



Prep for AACM Meeting with Mike Fisher - 1-866-299-3188 Code:

Fri 06/25/2010 11:00 AM - 12:00

PM

Chair: **Cynthia Giles-AA/DC/USEPA/US**

Sent By: **Linda Huffman/DC/USEPA/US**

Location: 3213 ARS

Cynthia Giles-AA



Required:	Ann Strickland/DC/USEPA/US@EPA, Charlie Garlow/DC/USEPA/US@EPA, Edward Messina/DC/USEPA/US@EPA, Mike Fisher/DC/USEPA/US@EPA, Pam Mazakas/DC/USEPA/US@EPA,
Optional:	Brad Venner/NEIC/USEPA/US@EPA, Chris Weis/NEIC/USEPA/US@EPA, Joe Lowry/NEIC/USEPA/US@EPA,

Description



Declined: Prep for AACM Meeting with Mike Fisher - 1-866-299-3188
Code: 0872138

Fri 06/25/2010 11:00 AM - 12:00
PM

Location: 3213 ARS

has declined this meeting invitation

Required:

Ann Strickland/DC/USEPA/US@EPA, Charlie Garlow/DC/USEPA/US@EPA, Edward
Messina/DC/USEPA/US@EPA, Mike Fisher/DC/USEPA/US@EPA, Pam
Mazakas/DC/USEPA/US@EPA,

Optional:

Brad Venner/NEIC/USEPA/US@EPA, Chris Weis/NEIC/USEPA/US@EPA, Joe
Lowry/NEIC/USEPA/US@EPA,



{In Archive} AACM

Matt Bogoshian to: Cynthia Giles-AA

07/08/2010 10:58 AM

History: This message has been replied to.

Archive: This message is being viewed in an archive.

Lisa H. just called me and suggested that she and I have an informal chat with Paul A. to see where he might be going re next steps on this study, she also thought Bob S. might want to join but not be able to since he is going on vacation. I think it's a good idea, but wanted to see if you're OK with me doing so.

Thanks,

Matt

Matt Bogoshian
Deputy Assistant Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202-564-2440



Accepted: Prep for AACM Meeting with Mike Fisher - 1-866-299-3188
Code: 0872138

Fri 06/25/2010 11:00 AM - 12:00 PM


Location: 3213 ARS

Edward Messina has accepted this meeting invitation

Required: Ann Strickland/DC/USEPA/US@EPA, Charlie Garlow/DC/USEPA/US@EPA, Edward Messina/DC/USEPA/US@EPA, Mike Fisher/DC/USEPA/US@EPA, Pam Mazakas/DC/USEPA/US@EPA,

Optional: Brad Venner/NEIC/USEPA/US@EPA, Chris Weis/NEIC/USEPA/US@EPA, Joe Lowry/NEIC/USEPA/US@EPA,



{In Archive} Re: AACM 
Cynthia Giles-AA to: Matt Bogoshian

07/08/2010 06:58 PM

Archive: This message is being viewed in an archive.

that's fine. Thanks

Cynthia Giles
Assistant Administrator
U.S. EPA, Office of Enforcement and Compliance Assurance
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202-564-2440

THIS MESSAGE IS CONFIDENTIAL and may contain legally privileged information. If you receive it in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Matt Bogoshian

Lisa H. just called me and suggested that she an...

07/08/2010 10:58:57 AM

From: Matt Bogoshian/DC/USEPA/US
To: Cynthia Giles-AA/DC/USEPA/US@EPA
Date: 07/08/2010 10:58 AM
Subject: AACM

Lisa H. just called me and suggested that she and I have an informal chat with Paul A. to see where he might be going re next steps on this study, she also thought Bob S. might want to join but not be able to since he is going on vacation. I think it's a good idea, but wanted to see if you're OK with me doing so.

Thanks,

Matt

Matt Bogoshian
Deputy Assistant Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202-564-2440



{In Archive} Fw: NRDC Asbestos FOIA Request HQ-FOI-01475-10; AACM2
and AACM3

Walke, John to: Cynthia Giles-AA

07/31/2010 08:34 PM

Archive:

This message is being viewed in an archive.

From: Walke, John

To: Kirchmer.Cindy@epamail.epa.gov

<Kirchmer.Cindy@epamail.epa.gov>

Cc: Agner.Abbie@epamail.epa.gov <Agner.Abbie@epamail.epa.gov>;
Grause.Susan@epamail.epa.gov <Grause.Susan@epamail.epa.gov>;
anastas.paul@epa.gov <anastas.paul@epa.gov>; giles.cynthia@epa.gov
<giles.cynthia@epa.gov>; heinzerling.lisa@epa.gov
<heinzerling.lisa@epa.gov>; mccarthy.gina@epa.gov
<mccarthy.gina@epa.gov>; sussman.bob@epa.gov
<sussman.bob@epa.gov>; armendariz.al@epa.gov
<armendariz.al@epa.gov>; gottesman.larry@epa.gov
<gottesman.larry@epa.gov>

Sent: Sat Jul 31 20:24:44 2010

Subject: RE: NRDC Asbestos FOIA Request HQ-FOI-01475-10; AACM2
and AACM3

Ms. Kirchmer,

I apologize for this delayed reply but your email arrived while I was out of the office.

I cannot consent to your request for an extension of time to process my FOIA request. I do not believe that I have requested a voluminous set of records within the meaning of FOIA and EPA's regulations, and your response asserts this without explaining why that is the case. Moreover, there is no basis under FOIA for failing to meet the statute's response deadlines based on claim that a request is "complex."

At any rate, there was nothing complex about NRDC's request identifying five discrete categories of responsive documents, and the agency's response does not explain what is complex about those requests. Indeed, the agency's response was more akin to boilerplate, asserting without explanation that NRDC's request involved "complex *and/or* voluminous records." Accordingly, the agency's response provides nothing more than conclusory claims that fail to establish NRDC's requests pose the "unusual circumstances" that would justify missing FOIA's statutory response deadlines.

After I asked to receive responsive documents on a rolling basis, the agency's response that it would provide the *first* set of document on a staggered basis in *December* is an unreasonable and excessive extension of time that the agency grants itself. I

request that the following categories of responsive documents be provided to me immediately:

- All records concerning or comprising, in whole or in part, external peer review comments and review sessions for the second and third Alternative Asbestos Control Method research projects ("AACM2" and "AACM3"); see generally <http://www.epa.gov/nrmrl/lrpcd/aacm/index.html>; and
- All records concerning or comprising, in whole or in part, all data associated with the AACM2 and AACM3 research projects, including but not limited to all photographic, audio and video records; all field notes, bench notes and asbestos fiber count sheets; air, soil, water and landfill sampling data; all laboratory data; and all worker breathing zone fiber and asbestos concentrations data.

The records covered by these categories are discrete, non-privileged, non-deliberative and otherwise non-exempt records that are neither voluminous nor complex. They also do not require any meaningful review for FOIA exemptions or privileges, since they encompass materials generated by third parties (*e.g.*, the external peer review comments), objective recordings (photographic, audio and video records) or raw data (*e.g.*, asbestos fiber count sheets; air, soil, water and landfill sampling data; all laboratory data; and all worker breathing zone fiber and asbestos concentrations data). Again, there is no basis for withholding these records under FOIA, nor any basis for delaying the agency's provision of those records to me immediately; certainly there is no basis for delaying release of these documents to me on a staggered basis until December and the agency's response does not even bother to explain why a 5-month delay is justified.

Solely for purposes of allowing these documents to be provided to me immediately, without consenting to the agency's request for an extension of time, and without waiving any right to challenge EPA's failure to meet the statutory deadlines, I am willing to allow the final three, remaining categories of documents requested in my original letter to be furnished on a rolling basis after the categories identified above are provided immediately. This encompasses categories C through D in your response to me.

I look forward to receiving the requested documents.

Sincerely,

John Walke

From: Kirchmer.Cindy@epamail.epa.gov [mailto:Kirchmer.Cindy@epamail.epa.gov]
Sent: Thu 7/22/2010 11:48 AM
To: Walke, John
Cc: Agner.Abbie@epamail.epa.gov; Grause.Susan@epamail.epa.gov
Subject: FOIA Request HQ-FOI-01475-10; AACM2 and AACM3

Re: Freedom of Information Act Request HQ-FOI-01475-10

Mr. Walke:

The U.S. Environmental Protection Agency's Office of Research and Development has received your Freedom of Information Act (FOIA) request dated June 21, 2010, "...for all records in EPA's possession, custody or control for the following categories:

- A. All records concerning or comprising, in whole or in part, external peer review comments and review sessions for the second and third Alternative Asbestos Control Method research projects (hereinafter "AACM2" and "AACM3"); see generally <http://www.epa.gov/nrmrl/lrpcd/aacm/index.html>;
- B. All records concerning or comprising, in whole or in part, all data associated with the AACM2 and AACM3 research projects, including but not limited to all photographic, audio and video records; all field notes, bench notes and asbestos fiber count sheets; air, soil, water and landfill sampling data; all laboratory data; and all worker breathing zone fiber and asbestos concentrations data;
- C. All records concerning costs, budgets and funding for the AACM 2 and AACM3 research projects, including but not limited to costs for EPA personnel, contractors and consultants associated with one or both of the research projects;
- D. All records received by or received from Richard E. Greene that concern or comprise, in whole or in part, the AACM2 and/or AACM3 research projects; and
- E. All records received by or received from Roger C. Wilmoth that concern or comprise, in whole or in part, the AACM2 and/or AACM3 research projects."

Your request for a waiver of fees for the processing of your FOIA request was granted by the National FOIA Officer, Larry Gottesman, on June 23, 2010. Therefore, there will be no billable costs associated

with processing your request.

The EPA utilizes multi-track processing of FOIA requests. This allows for requests to be processed on a "first-in, first-out" basis and to respond to relatively simple requests more quickly than requests involving complex and/or voluminous records. We have several FOIA requests involving voluminous amounts of records that must be processed prior to working on your request. Due to the complexity of these earlier requests and the volume of records involved in those cases, as well as the number of documents responsive to your request, it is necessary to ask for an extension of time to process your FOIA request. We can, if you agree, release records to you on a staggered basis. This allows us to provide groups of releasable records to you as we complete reviews of groups of documents, rather than waiting until every document is reviewed and potential issues resolved before a final response is prepared. It is estimated that the first release of records would be provided to you by December 10, 2010. Note that this is an estimate and every effort will be made to provide records earlier if at all possible. We request that you respond to this email with your concurrence for the staggered release of records and for the extension to December 10, 2010, for the first release of records.

Please refer to FOIA request number HQ-FOI-01475-10 in any future correspondence regarding your request. I can be reached at (513) 569-7737 if you have any questions.

Cindy Kirchmer
FOIA Coordinator
U.S. EPA/Office of Research and Development
National Risk Management Research Laboratory
Cincinnati, Ohio

